

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 10/718,023 Confirmation No. 8805
Applicant : Raanan Liebermann
Filed : November 19, 2003
TC/A.U. : 3714
Examiner : Binh An Duc Nguyen
Docket No. : 03-125
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPEAL BRIEF

Dear Sir:

This is an appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1 - 36, 39 - 44, and 46 - 72, dated August 19, 2008, made by the Primary Examiner in Tech Center Art Unit 3714.

REAL PARTY IN INTEREST

The real party in interest is the appellant Raanan Liebermann.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, or Appellant's legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1 - 36, 39 - 44, and 46 - 72 stand rejected and are on appeal. Claims 37, 38 and 45 have previously been cancelled.

STATUS OF AMENDMENTS

No Amendment was filed after the final rejection on which this appeal is taken.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention as set forth in claim 1 relates to a method for communicating visual images to a handicapped person (see page 3, lines 17 - 19 of the specification), said method comprising the steps of: providing at least one device (10, 12, 14, 16, 120) for physically transmitting information to said handicapped person; providing information about said visual images to said handicapped person using said at least one device (see page 3 line 20 to page 8, line 8 of the specification); and said information providing step comprising delivering a physical signal representative of a key word describing a portion of a visual image to a first part of a body of said handicapped person using said at least one device (see page 8, lines 1 - 6 of the specification) and further comprising transmitting at least one physical input describing a dynamic element associated with said key word to a second part of the body of said handicapped person (see page 8, lines 6 - 8 of the specification).

Dependent claim 2 depends from claim 1 and further states that said delivering step comprises delivering said key word signal in Morse code form to said handicapped person via a said first body part (see page 7, penultimate line and page 8, lines 1 - 6 of the specification).

Dependent claim 3 depends from claim 1 and further states that said delivering step comprises delivering said key word signal in Braille form to a said first body part of said handicapped person (see page 7, penultimate line, page 47, last two lines, and page 55 , lines 14 - 27 of the specification).

Dependent claim 4 depends from claim 1 and further states that the method further comprises transmitting said at least one physical input describing a said dynamic element associated with said visual image to a palm of said handicapped person (see page 6, lines 3 - 11 of the specification; also see page 8, line 30 to page 36, line 8 of the specification).

Dependent claim 5 depends from claim 4 and states that said transmitting step comprises transmitting a plurality of successive elements describing a motion to said palm of said handicapped person (see page 8, line 20 to page 18, line 10 of the specification).

Dependent claim 6 depends from claim 5 and states that the method further comprises transmitting a continuance signal to said palm of said handicapped person to indicate continuance of said motion (see page 17, lines 1 - 19 of the specification).

Dependent claim 7 depends from claim 6 and states that said continuance signal transmitting step comprises transmitting said signal in the form of at least one vibration or impact on a body part (see page 17, lines 1 - 19 of the specification).

Dependent claim 8 depends from claim 1 and states that the method further comprises delivering information about a musical background associated with said visual image to

said handicapped person (see page 19, lines 16 - 29 of the specification).

Dependent claim 9 depends from claim 8 and states that said musical background delivering information comprises transmitting at least one of long and short physical impacts to a body part of said handicapped person (see page 19, lines 16 - 29 of the specification).

Dependent claim 10 depends from claim 1 and states that the method further comprises transmitting information about a start of and an end of a commercial advertisement to said handicapped person (see page 18, lines 11 - 23 of the specification).

Dependent claim 11 depends from claim 1 and states that the method further comprises further comprising transmitting information about a start of and an end of a test to said handicapped person (see page 20, line 23 to page 21, line 4 of the specification).

Dependent claim 12 depends from claim 1 and states that the method further comprises storing information from a written indicia scrolling across a screen containing said visual images for play at another time (see page 18, lines 24 to page 19, line 14 of the specification).

Dependent claim 13 depends from claim 1 and states that the method further comprises providing said handicapped person with information about a state of reception of a system on which said visual images are displayed (see page 20, lines 9 - 19 of the specification).

Dependent claim 14 depends from claim 1 and states that the method further comprises transmitting information about said visual images to the back of at least one finger of said handicapped person (see page 27, lines 5 - 16 of the specification).

Dependent claim 14 depends from claim 14 and states that said transmitting step comprises transmitting information about the character of a person displayed in said visual images through at least one impact to said back of said at least one finger (see page 27, lines 5 - 16 of the specification).

Dependent claim 16 depends from claim 15 and states that the method further comprises dividing said fingers of a hand of said handicapped person into a first group consisting of a pointer finger and a middle finger and into a second group consisting of a ring finger and a pinky and said transmitting step comprises transmitting information about a bad character to one of said fingers of said first group and transmitting information about a good character to one of said fingers of said second group (see page 25, line 18 to page 27, line 24 of the specification).

Claim 17 depends from claim 16 and states that the method further comprises designating one finger of each of said groups for receiving information about a male character and designating one finger of each of said groups for receiving information about a female character (see page 25, line 18 to page 27, line 24 of the specification).

Claim 18 depends from claim 15 and states that said transmitting step comprises transmitting information about an age of a character and a personality of said character to said back of said at least one finger (see page 25, line 18 to page 27, line 24 of the specification).

Claim 19 depends from claim 1 and states that the method further comprises transmitting information about said visual images to a front portion of at least one finger (see page 30, line 24 to page 36, line 8 of the specification).

Claim 20 depends from claim 19 and further states that said information transmitting step comprises transmitting information about a particular group (see page 30, line 24 to page 31, line 9 of the specification).

Claim 21 depends from claim 20 and states that said transmitting step comprises transmitting information about a profession of a character to said front portion of said at least one finger (see page 33, line 1 to page 34, line 10 of the specification).

Claim 22 depends from claim 19 and states that said information transmitting step comprises transmitting information about lighting to said front portion of said at least one finger (see page 34, line 11 to page 35, line 6 of the specification).

Claim 23 depends from claim 19 and states that said information transmitting step comprises transmitting information about scenery to said front portion of said at least one finger (see page 35, lines 7 - 23 of the specification).

Claim 24 depends from 19 and states that said information transmitting step comprises transmitting information about a place to said front portion of said at least one finger (see page 35, penultimate line to page 36, line 8 of the specification).

Claim 25 depends from claim 19 and states that said information transmitting step comprises transmitting information about an activity to said front portion of said at least one finger (see page 27, penultimate line to page 36, line 8 of the specification).

Claim 26 depends from claim 1 and states that the method further comprises transmitting information about a dialogue associated with said visual image being spoken to

said handicapped person (see page 47, last two lines and page 55, lines 14 - 27 of the specification).

Claim 27 depends from claim 26 and states that said dialogue transmitting step comprises transmitting said dialogue in Braille form to the fingertips of at least one hand of said handicapped person or by impacts describing topics (see page 47, last two lines and page 55, lines 14 - 27 of the specification).

Claim 28 depends from claim 1 and states that the method further comprises using a thumb of said handicapped person to perform control functions (see page 36, line 9 to page 39, line 26 of the specification).

Claim 29 depends from claim 28 and states that the method further comprises using said thumb to perform at least one of call for help, call for person, and ask questions (see page 36, line 9 to page 39, line 26 of the specification).

Claim 30 depends from claim 28 and states that the method further comprises using said thumb to receive information about at least one of safety alerts, general alerts, and general information (see page 36, line 9 to page 39, line 26 of the specification).

Claim 31 depends from claim 1 and states that the method further comprises transmitting information about at least one of female representation and cross relationships to a front portion of a pinky of said handicapped person (see page 39, line 27 to page 40, line 9 of the specification).

Claim 32 depends from claim 31 and states that the method further comprises using said pinky to select a particular channel (see page 39, last four lines to page 40, last line of the specification).

Claim 33 depends from claim 1 and states that the method further comprises transmitting information about grammatical tense to at least one finger of at least one hand (see page 59, lines 17 - 26 of the specification).

Claim 34 depends from claim 33 and states that the method further comprises said transmitting step comprises transmitting grammatical tense information to a back of a pinky of said at least one hand (see page 59, lines 17 - 26 of the specification).

Claim 35 depends from claim 1 and states that the method further comprises transmitting information about an emotional state to at least one finger of at least one hand of said handicapped person (see page 61, lines 3 - 10 of the specification).

Claim 36 depends from claim 35 and states that said information about said emotional state is transmitted to a finger of a hand (see page 61, lines 3 - 10 of the specification).

Claim 39 depends from claim 1 and states that said visual image is part of a television program containing sound and said handicapped person is a deafblind person and wherein said method further comprises transmitting information about dialogue being spoken by characters on said television program to said deafblind person (see page 55, line 14 to page 58, line 20 of the specification).

Claim 40 depends from claim 39 and states that said information about said dialogue is transmitted by a keypad contacting fingertips of said deafblind person and said key word is delivered to said deafblind person through a plurality of impacts on a palm of a hand of said deafblind person (see page 55, line 14 to page 58, line 20 of the specification).

Claim 41 depends from claim 40 and states that the method further comprises transmitting information about motion of said visual images to said deafblind person through a plurality of impacts on said palm (see page 55, line 14 to page 58, line 20 of the specification).

Independent claim 42 is directed to a system for communicating visual images to a handicapped person (see FIGS. 10 - 12), said system comprising: at least one device (10, 12, 14, and 16) for physically transmitting information about said visual images to said handicapped person (see FIGS. 1 - 9; also see from page 3, line 23 to page 7, line 30 of the specification); and said at least one device including means (34, 82) for delivering a physical signal representative of a key word associated with said visual images to a first part of a body of said handicapped person (see FIGS. 1 - 9; also see page 8, lines 1 - 6 of the specification), wherein said at least one device further comprises means (80, 82) for delivering at least one physical input describing a dynamic element associated with said key word to a palm of said handicapped person (see page 8, lines 6 - 8 of the specification).

Claim 43 depends from claim 42 and states that said delivering means comprises means (80, 82) for creating at least one impact on a palm of said handicapped person (see FIG. 6; also see page 6, lines 3 - 11 of the specification).

Claim 44 depends from claim 42 and states that said delivering means comprises means (82) for delivering said key word to a body part in Morse code form (see FIG. 6; also see page 8, lines 1 - 6).

Claim 46 depends from claim 43 and states that said at least one device includes means (82) for transmitting a

continuance signal to said palm to indicate continuance of a motion (see FIG. 6; also see page 17, lines 1 - 19 of the specification).

Claim 47 depends from claim 46 and states that said transmitting means comprises means (82) for transmitting said continuance signal by imparting at least one of vibrations and impacts to said palm (see FIG. 6; also see page 17, lines 1 - 19 of the specification).

Claim 48 depends from claim 42 and states that said at least one device comprises means (82) for delivering information about a musical background associated with said visual images to said handicapped person (see FIG. 6; also see page 19, lines 16 - 29 of the specification).

Claim 49 depends from claim 48 and states that said means for transmitting information about said musical background comprises means (82) for transmitting at least one of long and short physical impacts to a body part of said handicapped person (see FIG. 6; also see page 19, lines 6 - 29 of the specification).

Claim 50 depends from claim 42 and states that said at least one device includes means (82) for transmitting information about a start of and an end of a commercial to said handicapped person (see FIG. 6; also see page 18, lines 11 - 23 of the specification).

Claim 51 depends from claim 42 and states that said at least one device includes means (82) for transmitting information about a start of an end of an emergency broadcast system test to said handicapped person (see FIG. 6; also see page 20, line 23 to page 21, line 4 of the specification).

Claim 52 depends from claim 42 and states that said at least one device includes means (82) for transmitting

information about a state of reception of a device on which said visual images are being displayed (see FIG. 6; also see page 20, lines 9 - 19 of the specification).

Claim 53 depends from claim 42 and states that said at least one device comprises means (90, 92, 100, 110, 102, 104, 105, 108) for transmitting information about said visual images to the back of at least one finger of said handicapped person (see FIGS. 7 and 8, also see page 27, lines 5 - 16).

Claim 54 depends from claim 53 and states that said at least one device comprises means (90) for transmitting information about a character of a person displayed in said visual images via at least one impact applied to said back of said at least one finger (see FIG. FIG. 10; also see page 27, lines 5 - 16 of the specification).

Claim 55 depends from claim 42 and states that said at least one device comprises means (82) for transmitting information about said visual images to a front portion of at least one finger (see page 30, line 24 to page 32, line 17 of the specification).

Claim 56 depends from claim 53 and states that said at least one device comprises means (82) for transmitting different pieces of information about said visual images to a front portion of each finger of at least one hand of said handicapped person (see page 30, line 24 to page 36, line 9 of the specification).

Claim 57 depends from claim 42 and states that the system further comprises said at least one device including means (34) for transmitting information about a dialogue being spoken associated with said visual images to said handicapped person (see page 47, last two lines and page 55, lines 14 - 27 of the specification).

Claim 58 depends from claim 57 and states that said dialogue transmitting means comprises means (34) for transmitting said dialogue in Braille form or by impacts to the fingertips of at least one hand of said handicapped person (see page 47, last two lines and page 55, lines 14 - 27 of the specification).

Claim 59 depends from claim 42 and states that the system further comprises a means (10, 120) for allowing said handicapped person to use a thumb to perform control functions (see page 38, line 2 to page 39, line 26 of the specification; also see FIG. 9).

Claim 60 depends from claim 59 and states that said allowing means comprises a thumb cradle (120) (see page 38, line 2 to page 39, line 26 of the specification).

Claim 61 depends from claim 59 and states that said allowing means comprises a thumb sleeve (10) (see page 3, lines 27 - 28 of the specification).

Claim 62 depends from claim 42 and states that the system further comprises means (16, 120) for transmitting information about at least one of a female representation and cross relationships to a front portion of a pinky of said handicapped person (see FIG. 9; also see page 39, line 27 to page 40, line 9 of the specification).

Claim 63 depends from claim 62 and states that said information transmitting means comprises a pinky cradle (16, 120) (see FIG. 9; also see page 39, line 27 to page 40, line 9 of the specification; also see page 3, lines 29 - 30 of the specification).

Claim 64 depends from claim 62 and states that said information transmitting means (16, 120) also comprises means for allowing a handicapped person to select a

particular channel using said pinky (see page 40, line 10 to page 40, last line of the specification).

Claim 65 depends from claim 42 and states that the system further comprises means (90) for transmitting information about grammatical tense to at least one finger of at least one hand (see page 19, lines 17 - 26 of the specification; also see FIG. 12).

Claim 66 depends from claim 65 and states that said grammatical tense transmitting means comprises means (90) for transmitting information about said grammatical tense to a back of a pinky of said at least one hand (see page 19, lines 17 - 26 of the specification).

Claim 67 depends from claim 42 and states that said at least one device further comprises means (90) for transmitting information about an aggression group, a neutral group, and a pleasant group to at least one finger of at least one hand of said handicapped person (see FIG. 10; also see page 61, lines 3 - 10).

Claim 68 depends from claim 67 and states that said information about said aggression group is transmitted to a first finger of a hand (see page 61, lines 3 - 10).

Claim 69 depends from claim 67 and states that said information about said neutral group is transmitted to a middle finger of a hand (see page 61, lines 3 - 10).

Claim 70 depends from claim 68 and states that said information about said pleasant group is transmitted to a fourth finger of a hand (see page 61, lines 3 - 10).

Claim 71 depends from claim 1 and states that said transmitting step comprises transmitting said at least one physical input describing said dynamic element to a second part of the body which is different from said first part of

the body (see page 8, lines 14 to page 36, line 8 of the specification; also see FIGS. 10 - 12).

Claim 72 depends from claim 42 and states that said delivering means (34, 54, 50, 52, 90, 100, 102, 104, 106, 108, 110) delivers said physical signal to at least one of fingertips of a hand that does not include said palm and fingers that are part of the hand which has said palm (see FIGS. 3, 7, and 8; also see from page 3, line 23 to page 7, line 30 of the specification).

GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL

The following rejections are to be reviewed on appeal:

1. The rejection of claims 1, 3 - 9, 14, 15, 19, 20, 22 - 27, 42, 43, 46 - 49, and 53 - 58 under 35 U.S.C.

102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,636,038 to Lynt et al.;

2. The rejection of claims 2, 13, 16 - 18, 21, 28 - 32, 35, 36, 44, 52, 59 - 64, and 67 - 70 under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent No. 3,831,296 to Hagle;

3. The rejection of claims 10 - 12, 39 - 41, 50 and 51 under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent no. 6,240,392 to Butnaru et al.; and

4. The rejection of claims 33, 34, 65, and 66 under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent Publication No. 2004/0098256 to Nissen.

ARGUMENT

*(1) Claim 1 is Neither Anticipated By,
Nor Rendered Obvious By Lynt et al.*

Anticipation requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See *Verdegaal Bros., Inc. v. Union Oil. Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). Further, an anticipatory reference must describe the subject matter of the claim with sufficient clarity and detail to establish that the claimed subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the invention. See *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1991); also see *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 678, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988). As will be seen from the following discussion, the Lynt et al. patent relied upon by the Examiner does meet this test and therefore is not an anticipatory reference.

Claim 1 is directed to a method for communicating visual images to a handicapped person, which method comprises the steps of providing at least one device for physically transmitting information to said handicapped person; and providing information about the visual images to the handicapped person. The information providing step comprises delivering a physical signal representative of a key word describing a portion of a visual image to a first part of a body of said handicapped person using said at least one device. Still further, the information providing step comprises transmitting at least one physical input describing a dynamic element associated with the key word to a second part of the body of the handicapped person. Lynt et al. does not disclose the step of delivering a physical signal representative of a key word which describes a portion of a visual image to a first part of a

body of the handicapped person and transmitting at least one physical input describing a dynamic element associated with the key word to a second part of the body of the handicapped person.

Lynt et al. is directed to a device for converting the visual and/or auditory into a tactile representation. The Lynt et al. device for converting the visual and/or auditory into tactile representations includes imaging equipment for converting light and/or sounds, including spoken text, into electrical signals, processing equipment for processing the electrical signals, and a tactile display for converting processed electrical signals into tactile images (see the Abstract). The tactile images are felt by the user enabling them to obtain visual or auditory information by touch about the world around them that would otherwise be obtained through vision and/or hearing (see the Abstract). The tactile image is thus formed by movement of a plurality of rods against the body of the person (see col. 2, ll. 5 - 6). Color could be indicated by a particular vibration of the rods (see col. 2, ll. 10 - 11). Sounds may also be converted into tactile representations through the use of auditory imaging means for converting sounds into electrical signals and tactile display means for converting processed electrical signals into further tactile images. The further tactile images may be produced by tactile vibrations of at least a portion of the tactile display means. The further tactile images are felt by a hearing impaired person (see col. 2, ll. 15 - 27). In still another embodiment, Lynt et al. discloses speech analysis means for detecting and recognizing spoken words and outputting electrical signals which are processed

and then supplied to the tactile display means (see col. 2, ll. 28 - 43).

In column 3, ll. 62 - 65, Lynt et al. say that the tactile display means would be placed on a surface of the individual's body and would provide tactile stimulation to the surface. In column 5, lines 19 - 21, Lynt et al. state that the tactile display could be a two-dimensional grid in the shape of a hand.

Lynt et al. gives an example of what is done. They say that if the visual image was an apple, the tactile display means could form a 3-dimensional tactile image of the surface of the apple. See column 3, line 57 to column 4, line 1.

Nowhere in the reference does Lynt et al. disclose communicating information about an image in the form of a key word. Information about the image is only communicated in the form of a physical display. The Lynt et al. system may be modified to output Braille characters, or another representation, corresponding to detected speech; however, there is no disclosure of delivering a physical signal to a user which is representative of a key word which describes a portion of a visual image. Thus, Lynt et al. does not disclose the claimed method step of "delivering a physical signal representative of a key word describing a portion of a visual image to a first part of a body of said handicapped person using said at least one device."

The Examiner's interpretation of Lynt et al. presented on page 3 of the final rejection is defective in several respects. While Lynt et al. may use Braille characteristics to create an output, that output is of a spoken word, not of an image. Further, while Lynt et al. may identify an object from a database, column 4, lines 29

- 34 does not say that Lynt et al. uses a key word to identify it. Even if a key word were used, the key word is not transmitted to the user. What is transmitted to the user is the tactile display of the object. With respect to the voice synthesizer, the voice synthesizer may issue a word or a plurality of words, however, they are not any good to a deaf person. Further, the words are not physically transmitted to a first part of the user's body.

Still further, Lynt et al. does not disclose the method step of "transmitting at least one physical input describing a dynamic element associated with said key word to a second part of the body of the handicapped person." The phrase "dynamic element" is not even used in Lynt et al. The only thing that is disclosed in Lynt et al. is that the images created by the tactile display are felt by the user. There is not any disclosure in Lynt et al. of what images would be felt by different parts of the body.

The Examiner contends that this limitation is inherent from Lynt et al.; however, the Examiner has not shown that this limitation is necessarily present and would be recognized as being present by one of ordinary skill in the art. See *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). There is no extrinsic evidence of record to make it clear that the missing descriptive material is necessarily present. *Id.* The missing material does not flow from the broad teaching of a separated tactile display. Lynt et al. never says that the separated tactile displays are transmitted to different parts of the user's body. Mere probabilities or possibilities are insufficient to establish inherency. See *In re Oelrich*, 666 F.2d 578, 581 (CCPA 1981). Thus, the Examiner has not met his burden of establishing anticipation by inherency.

Further, it should be noted that the Examiner is relying upon different embodiments in Lynt et al. to try and meet the limitations of claim 1. Anticipation cannot be established by using different embodiments found in a single reference. All the elements set forth in the claim must be found in a single embodiment. See *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983) ("Because the hallmark of anticipation is prior invention, the prior art reference in order to anticipate under 35 U.S.C. 102 must not only disclose all elements of the claim within the four corners of the document but must also disclose those elements arranged as in the claim.")

For these reasons, there is nothing in Lynt et al. which would cause one to conclude that Lynt et al. was in possession of the claimed invention. As a result, Lynt et al. is not an anticipatory reference.

With regard to the obviousness portion of the rejection, the only thing the Examiner says on the subject is that:

"Should the applicant persuasively overcome the limitation of 'transmitting at least one physical input describing a dynamic element associated with said key word to a second part of the body of said handicapped person,' this limitation would also be obvious since the device of Lynt et al. can analyze at least visual images, sounds, and speech and communicates via different tactile displays to the skin of the handicapped person. Further, it is desired to communicate as much information to the handicapped person as much as possible to provide a true sense of the surrounds or environment."

In proceedings before the Patent and Trademark Office, the examiner bears the burden of establishing a *prima facie*

case of obviousness based upon the prior art. See *In re Piasecki*, 745 F.2d 1468, 1471 - 72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). Obviousness requires a suggestion of all elements in a claim (*CMFT, Inc. v. Yieldup Int'l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003)) and "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 1741 (2007); also see *Ex parte Alexander*, 86 USPQ2d 1120, 1121 (BPAI 2007). As stated in *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006), there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.

An obviousness determination also requires that a skilled artisan would have perceived a reasonable expectation of success. See *In re O'Farrell*, 853 F.2d 894, 903-04 (Fed. Cir. 1988). However, to have a reasonable expectation of success, one must do more than merely vary all parameters or try each of numerous possible choices until one possibly arrived at a successful result. The prior art fails to provide the requisite reasonable expectation of success where it teaches merely to pursue a general approach that seems to be a promising field of experimentation, and where the prior art gives only general guidance as to the particular form of the claimed invention or how to achieve it. *Id.* The expectation of success must be founded in the prior art, not in the appellants' disclosure. See *In re Dow Chem. Co.*, 837 F.2d 469, 473 (Fed. Cir. 1988).

Additionally, an obviousness rejection may not be based on speculation, conjecture or surmise. See *In re Sporck*, 301 F.2d 686, 690 (CCPA 1962); also see *In re*

Warner, 379 F.2d 1011, 1017 (CCPA 1967) ("where the legal conclusion [of obviousness] is not supported by facts, it cannot stand.") Thus, assumptions as to common sense or what is known in the art cannot substitute for evidence thereof. See *In re Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).

The Examiner fails to provide the necessary articulated reasoning which would allow one to reach the legal conclusion of obviousness. First, the Examiner errs, as discussed above, because there is no recognition that Lynt et al. does not physically transmit a key word that describes an image to the user. The reasons given for finding obviousness in the rejection do not address this point. Second, assuming *arguendo* that Lynt et al. taught transmitting a key word that describes an image to a first body part and taught physically transmitting a signal representative of a dynamic element, the Examiner presents no reasoned statement as to why it would be obvious to physically transmit the dynamic element component to a different body part. Even though, Lynt et al.'s device has great versatility that versatility can be accomplished by transmitting all the information to a single body part and there is nothing in Lynt et al. which would say that these different signals should be transmitted to different body parts. Since the Examiner has not offered the articulated reasoning required by *Kahn*, the obviousness rejection of claim 1 fails. It is submitted that the obviousness rejection is nothing more than a hindsight rejection and that Lynt et al. lacks any teaching or suggestion of the claimed method steps.

(2) Claim 42 is Neither Anticipated By,

Nor Rendered Obvious By Lynt et al.

Independent claim 42 is directed to a system for communicating visual images to a handicapped person, said system comprising: at least one device for physically transmitting information about said visual images to said handicapped person; and said at least one device including means for delivering a physical signal representative of a key word associated with said visual images to a first part of a body of said handicapped person, wherein said at least one device further comprises means for delivering at least one physical input describing a dynamic element associated with said key word to a palm of said handicapped person.

Claim 42 is neither anticipated, nor rendered obvious, by Lynt et al. for the reasons stated in connection with claim 1, which reasons are incorporated by reference herein. Claim 42 is further allowable because Lynt et al. does not disclose any means for delivering at least one physical input describing a dynamic element associated with the key word associated with the visual images to the palm of the handicapped person (emphasis added). While Lynt et al. may transmit a plurality of tactile signals to a hand of a user, there is no disclosure of any dynamic element being transmitted to the palm of the handicapped person. The Examiner on page 4 of the office action says that this limitation is met by the reference to sonar and/or radar imaging to see through the fog to alert the person to objects ahead through the tactile representation on the tactile display. Appellant has read column 6, lines 27 - 32 and can not ascertain how this portion has anything to do with the claimed subject matter. Column 6, lines 27 - 32 refers to users who are not visually impaired. Further,

the purpose of the sonar and/or radar is to allow them to see through the fog. While a tactile representation may be created on the tactile display, there is no disclosure of the display being transmitted to the palm of the person. In fact, no transmission is required at all because the user can "see" the tactile display.

The Examiner's arguments about inherency in the paragraph bridging pages 4 and 5 of the office action are noted; however, the inherency argument fails for the reasons previously noted. There is no extrinsic evidence which shows that the admittedly missing descriptive material in Lynt et al. is necessarily present and would be recognized by one of skill in the art.

As for the rejection of claim 42 on obviousness grounds, the Examiner has offered no reason why one of ordinary skill in the art would transmit the dynamic element signal to the palm of a user. In fact, if it is the radar and/or sonar which is being relied upon for the dynamic element, as previously stated a non-visually impaired user can see the tactile display and thus, there is no need to transmit the signal to the user's palm.

For these reasons, independent claim 42 is allowable over Lynt et al.

(3) Patentability of Dependent Claims
3 - 9, 14, 15, 19, 20, 22 - 27, 43,
46 - 49, and 53 - 58

On page 5 of the office action, the Examiner states that Lynt et al. teaches delivering said key word in Braille form to a body part of the handicapped person. Lynt et al. does not teach or suggest any such thing. Column 5, lines 45 - 53 refer to the transmission of sounds

using Braille type characters. There is nothing in this portion of Lynt et al. which teaches or suggests transmitting a key word which describes a portion of a visual image to a first body part using Braille. As for column 6, lines 15 - 19, this portion refers to the fact that Lynt et al.'s device could be used as converting the text on a printed document to Braille. This portion has nothing at all to do with what is being claimed. Thus, Lynt et al. does not anticipate the subject matter of claim 3. The Examiner provides no reason why the subject matter of claim 3 would be obvious.

With regard to claims 28 and 58, the Examiner does not point out where in Lynt et al., there is a disclosure of transmitting dialogue associated with the visual image to the fingertips of at least one hand. The cited portions of Lynt et al. do not contain any such disclosure. The cited portions of Lynt et al. does not talk about transmitting dialogue associated with any visual image to the user. They talk about transmitting sounds, but do not associate the sounds with a visual image. Further, the cited portions of Lynt et al. do not say that any such signals are transmitted to the fingertips of the user. Thus, Lynt et al. does not anticipate the subject matter of claims 28 and 58. As for obviousness, the Examiner provides no reason why the subject matter of these claims would be obvious.

Claim 4 is allowable for the reasons previously expressed in connection with claim 42. The cited portions of Lynt et al., while discussing the transmission of signals to a surface of a portion of the body does not talk about transmitting at least one physical input describing a dynamic element associated with a visual image to a palm of

the handicapped person. Lynt et al. does not disclose transmitting an input which describes a dynamic element associated with a visual image. Further, the word "palm" is nowhere to be found in Lynt et al. Thus, it is not possible for Lynt et al. to anticipate the subject matter of claim 4. With regard to the issue of obviousness, the Examiner provides no articulated reason as to why the subject matter of claim 4 would be obvious. Claim 43 is allowable for the same reason as claim 4.

With respect to the rejection of claims 5 - 7, claim 5 is allowable because there is no disclosure in Lynt et al. of transmitting a plurality of successive elements describing a motion to the palm of a handicapped person. Lynt et al., in column 3, lines 36 to 66 and column 5, lines 15 - 34, describes various things which may be displayed using the tactile display means; however, "motion" is not one of them. Further, as previously discussed, there is no mention in Lynt et al. of transmitting any motion signal to the palm of a user. Thus, Lynt et al. does not anticipate the subject matter of claim 5. As for obviousness, the Examiner does not provide any articulated reason as to why the subject matter of claim 5 would be obvious.

Claim 6 is directed to transmitting a signal which indicates continuance of a motion. Since Lynt et al. does not transmit any signal relating to motion, it does not transmit a signal which indicates continuance of the motion. Further, as previously discussed, there is no mention in Lynt et al. of transmitting any continuance signal to the palm of a user. Thus, Lynt et al. does not anticipate the subject matter of claim 6. As for obviousness, the Examiner does not provide any articulated

reason as to why the subject matter of claim 5 would be obvious.

Claim 7 is allowable because there is no disclosure in Lynt et al. of transmitting a continuance signal in the form of at least one vibration or impact on a body part. As for obviousness, the Examiner provides no articulated reason why the subject matter of claim 7 would be obvious.

Claims 46 and 47 are allowable for the same reasons as claims 6 and 7. With regard to claim 47, there is no disclosure in Lynt et al. of transmitting the at least one of vibrations and impacts to the user's palm.

With respect to the rejection of claims 8 and 9, both of these claims are directed to the transmission of a musical background associated with the visual image to the handicapped person (claim 8) by transmitting at least one of long and short physical impacts to a body part of said handicapped person (claim 9). As noted by the Examiner, Lynt et al. discusses transmitting auditory information. However, there is nothing in Lynt et al. which discloses transmitting a musical background associated with a visual image to a handicapped person. The auditory sounds being transmitted by Lynt et al. could be non-musical such as alarms, automobile sounds, etc. and they do not have to be associated with any visual image. To the extent that the Examiner may be relying on an inherency theory, there is no extrinsic evidence to show that a musical background associated with a visual image is necessarily present. Thus, the Examiner has not made out a case of anticipation of the subject matter of either claim 8 or claim 9. Further, with respect to claim 9, Lynt et al. forms a tactile display. It is not inherent that long or short physical impacts are transmitted to the user to deliver

information about a musical background. Again, the necessary extrinsic evidence is missing. As for obviousness, the Examiner has provided no articulated reasoning why the subject matter of claims 8 and 9 would be obvious. Claims 48 and 49 are allowable for the same reasons as claims 8 and 9.

With respect to the rejection of claims 14 and 15 as being anticipated by Lynt et al., there is no disclosure in Lynt et al. about transmitting information about the visual images to the back of at least one finger (claim 14); and transmitting information about the "character" of a person displayed in the visual images through at least one impact to the back of the at least one finger (claim 15). The Examiner contends that these method steps are inherent in Lynt et al. but fails to provide any extrinsic evidence to support such a conclusion. Lynt et al. could transmit all its information to some body part other than the back of at least one finger. At best, there is a possibility that Lynt et al. transmits the information to the back of the finger, but possibilities do not make out a case of inherency. With regard to claim 15, there is nothing in Lynt et al. which discloses transmitting information about the "character" of a person displayed in the visual to any body part and Appellant does not understand why this is inherently present in Lynt et al. As for obviousness, the Examiner has not presented any articulated reason why the subject matter of claims 14 and 15 would be obvious.

Claims 53 and 54 are allowable for the same reasons as claims 14 and 15.

With respect to claim 19, there is no disclosure in Lynt et al. of transmitting information about the visual images to a front portion of at least one finger. As noted

before, Lynt et al. is not specific as to the portions of the body part to which what information is to be transmitted. The Examiner's inherency argument fails because there is no extrinsic evidence to support the conclusion that the admittedly missing subject matter is necessarily present. As for obviousness, the Examiner has not presented any articulated reason why the subject matter of claim 19 would be obvious.

Claim 55 is allowable for the same reasons as claim 19.

With respect to claim 20, this claim depends from claim 19 and thus is allowable for the same reasons as claim 19. Further, there is nothing in Lynt et al. which teaches or suggests transmitting information about a particular group to a front portion of at least one finger. None of the cited portions disclose the claimed feature. Thus, there is no anticipation of claim 20 by Lynt et al. With regard to obviousness, the Examiner does not present any articulated reason why the subject matter of claim 20 would be obvious.

With respect to the rejection of claims 23 - 25, there is no disclosure in column 5, lines 35 to 36 of Lynt et al. of transmitting information about scenery to the front portion of the at least one finger (claim 23); transmitting information about a place to the front portion of the at least one finger (claim 24); and/or transmitting information about an activity to the front portion of the at least one finger. Lynt et al. never say what portion of the body any information is transmitted to. The Examiner is merely making an assumption that any information is being transmitted to the front portion of a finger and anticipation rejections may not be based on assumptions.

As to obviousness, the Examiner provides no articulated reason why the subject matter of claims 23 -25 would be obvious. As for claim 56, it too is allowable because there is no disclosure in Lynt et al. of transmitting different pieces of information about the visual images to a front portion of each finger of at least one hand.

With respect to the rejection of claim 26, there is no disclosure in Lynt et al. of transmitting information about a dialogue being spoken associated with a visual image. Lynt et al. merely discloses transmitting auditory sounds without saying that it is a dialogue connected to a visual image. Thus, claim 26 is not anticipated by Lynt et al. As for obviousness, the Examiner does not present any articulated reason why the subject matter of claim 26 would be obvious. Claim 57 is allowable for the same reasons as claim 26.

Claim 71 is allowable because Lynt et al. never discloses transmitting a physical input describing a dynamic element to a second part of the body which is different from the first part of the body. Lynt et al. has no specificity of the body parts to which various signals are transmitted. While Lynt et al. may use separated tactile displays, one can do this and transmit the signals to the same body part such as the palm of a hand. While the examiner says that it would have been obvious to communicate as much information to the handicapped person to provide a true sense of the surrounds or the environments, the Examiner offers no reason why this could not be accomplished by transmitting the signals to a single body part. There is no reason given by the Examiner which flows from the prior art as to why providing signals to two different parts of the body would provide a truer sense of

the surrounds or environments. With regard to claim 72, the Examiner offers no reason why it would be obvious to deliver the physical signal to the fingertips of a hand that does not include the palm to which the dynamic element signal is being transmitted. Lynt et al. does not disclose transmitting signals to more than one hand and the Examiner offers no articulated reason why one of ordinary skill in the art having Lynt et al. before them would want to transmit signals to two hands. The Examiner also offers no reason why it would be obvious to deliver the physical signal to the fingertips of the hand and the dynamic element signal to the palm of the same hand.

*(4) Patentability of Claims 2, 13,
16 - 18, 21, 28 - 32, 35, 36,
44, 52, 59 - 64 and 67 - 70*

Claims 2, 13, 16 - 18, 21, 28 - 32, 35, 36, 44, 52, 59 - 64, and 67 - 70 stand rejected on obviousness grounds over Lynt et al. in view of U.S. Patent no. 3,831,296 to Hagle. Haggle however does not cure the aforementioned deficiencies of Lynt et al. and thus at a minimum these claims are allowable for the same reason as their parent claims.

Claim 2 is directed to delivery the key word signal in Morse code form to the handicapped person via the first body part. Lynt et al. makes no mention of Morse code. Hagle, in the Background section, says that a blind and deaf person could be taught Morse Code for unwritten communication. However, there is nothing in Hagle which would lead one of ordinary skill in the art to use Morse code to deliver a key word signal associated with a visual image to a handicapped person. The Examiner in rejecting

claim 2 merely points out the disclosure in Hagle. There is no articulated reason why the subject matter of claim 2 would be rendered obvious by such a teaching. Thus, the Examiner has not made out a prima facie case of obviousness.

Claim 44, which is the system version of claim 2, is allowable for the same reasons as claim 2.

Claim 13 is directed to providing the handicapped person with information about a state of reception of a system on which visual images are displayed. As acknowledged by the Examiner, Lynt et al. does not teach or suggest this subject matter. The Examiner relies on column 3, lines 8 - 12 of Hagle to teach this subject matter. However, a review of this section of Hagle shows that it is directed to applying the information typed on a keyboard to a printing device such as a teletype terminal to provide a readout of what is being typed if a nonhandicapped person is communicating with a blind and deaf person. The Examiner offers no explanation as to what this has to do with the subject matter of claim 13. Hagle does not say that the information has anything to do with the state of reception of a system on which visual images are being displayed. Further, the Examiner provides no articulated reason having a rational underpinning as to why the subject matter of claim 13 would be obvious given the deficiencies of both references. For example, there is no explanation as to why one of ordinary skill in the art would perform such a method step. As for the reason given on page 9 of the office action, there is no explanation as to how doing what is claimed in claim 13 is rendered obvious by the references and why it would provide the deaf and blind

person total control so that he or she can truly experience and interact with the environment.

Claim 52 is allowable for the same reasons as claim 13.

With regard to claims 16 to 18, there is no disclosure in either reference of dividing the fingers of a hand into a first group consisting of a pointer finger and a middle finger and into a second group consisting of a ring finger and a pinky and then transmitting information about a bad character to one of the fingers of the first group and transmitting information about a good character to one of the fingers of the second group (claim 16); designating one finger of each of the groups for receiving information about a male character and designating one finger of each of said groups for receiving information about a female character (claim 17); and transmitting information about an age of a character and a personality of the character to the back of at least one finger (claim 18). Fig. 3 of Hagle illustrates a glove to be worn by a user. Column 3, lines 24 - 41 of Hagle merely says that various stimulators 15 are mounted to the backs of the gloves. The stimulators are used to stimulate a portion of the hand. Each stimulator corresponds to a character on a keyboard and the stimulators are arranged in the pattern of a typewriter keyboard. Assuming *arguendo* that Hagle performs the steps of dividing the fingers into groups, Hagle is incapable of transmitting information about a bad character to one of the fingers of a first group and information about a good character to one of the fingers of the second group since only select letters are activated by the stimulators on each finger. For the same reason, Hagle is also incapable of transmitting information about a male character to one

finger of one of the groups and about a female character to one finger of a second one of the groups and transmitting information about age of a character and a personality of the character to the back of at least one finger. Hagle is nothing more than a tactile typewriter keyboard and has nothing to do with the claimed subject matter. As a result, it does not render the claimed subject matter obvious. The Examiner's analysis of Hagle is wrong. It does not teach that each location of the stimulators represents a different function. As previously noted, each stimulator represents a specific letter of a typewriter keyboard. For these reasons claims 16 - 18 are not rendered obvious by the combination of Lynt et al. and Hagle. Claim 54 is allowable for the same reasons.

With respect to claim 21, Hagle is incapable of transmitting information about a profession of a character to the front portion of the at least one finger since there are a limited number of keys on each finger and the stimulators are only on the back of the glove. The Examiner offers no articulated reason why the subject matter of claim 21 would be obvious in view of the teachings of Hagle and Lynt et al. There is absolutely no reason why Hagle or Lynt et al. would want to transmit information about the profession of a character.

Claim 28 is directed to the use of a thumb to perform control functions. Claim 29 is directed to using the thumb to perform at least one of a call for help, call for person, and ask questions. Claim 30 is directed to using the thumb to receive information about at least one of safety alerts, general alerts, and general information. Claim 31 is directed to transmitting information about at least one of female representation and cross relationships

to a front portion of a pinky of the handicapped person. Claim 32 is directed to using the pinky to select a particular channel. Hagle's system is incapable of performing any of these functions. As noted above, Hagle's gloves are designed to be a keyboard. Each finger contains selected letters. One can communicate with the handicapped person by typing on a keyboard so that the handicapped person receives a stimulus related to each letter being typed. There is absolutely no disclosure in the cited portions of Hagle of the handicapped person performing any of the functions using either the thumb or the pinky set forth in claims 28 - 32 and the Examiner offers no explanation as to how the method steps in these claims could possibly be performed by Hagle. With respect to the thumb, it should not go unnoted that Hagle says that the sole stimulator on the thumb corresponds to the shift key of a typewriter (see column 3, lines 47 - 48). Having failed to make out a case that the stimulators on Hagle are capable of performing the claimed functions, the Examiner has failed to make out a case of obviousness. With respect to claim 31, since the stimulators are on the back of the glove, it is not possible to use them to transmit information to a front portion of the pinky.

Claims 59 - 64 are allowable for the same reasons as claims 28 - 32. With regard to claims 60 and 63, there is no disclosure in either reference of a thumb cradle or a pinky cradle and using said cradles to perform the claimed functions.

With respect to claim 35, while Hagle may be capable of transmitting information about an emotional state by transmitting individual letters to a plurality of fingers of both hands, the Examiner has not presented any

articulated reason why one of ordinary skill in the art would want to do this or why it would be obvious to do this.

As for claim 36, for the reasons previously stated, Hagle is incapable of transmitting information about the emotional state to a finger of a hand. This is because each finger only contains certain letters and those letters would not necessarily form a word that relates to the emotional state.

As for claim 67, there is no disclosure in Hagle of transmitting information about an aggression group, a neutral group, and a pleasant group to at least one finger of at least one hand. The Examiner offers no reason why Hagle in combination with Lynt et al. would, or could, do this. Thus, the Examiner has not made out a prima facie case of obviousness.

With regard to claims 68 - 70, both Lynt et al. and Hagle are incapable of transmitting information about the aggression group to a first finger of a hand, transmitting information about a neutral group to a middle finger of a hand, and transmitting information about a pleasant group to a fourth finger of a hand since each finger only contains certain letters which do not necessarily form words. Thus, the Examiner has failed to make out a prima facie case of obviousness.

*(5) Patentability of Claims 10 -
12, 39 - 41, 50 and 51*

Claims 10 - 12, 39 - 41, 50 and 51 are rejected on obviousness grounds over the combination of Lynt et al. and Butnaru et al.

Butnaru et al. is directed to a communication device for deaf and mute persons. The Examiner contends that Butnaru et al. teaches in column 7, lines 36 to 67 to transmit information about a start and an end of a commercial. A review of this section shows that Butnaru et al. do not mention anything about the start and end of a commercial. Appellant agrees with the conclusory statement that transmitting information about a start and an end of a commercial would allow one to enjoy television; however, this reason does not flow from the cited and applied references. Appellant submits that the only thing which teaches or suggests transmitting such signals is Appellant. An obviousness rejection must be based on the prior art and there is nothing in the prior art which teaches the transmitting step of claim 10.

Similarly, there is nothing in the references about transmitting information about a start of and an end of a test (claim 11) and storing information from written indicia scrolling across a screen containing the visual images (claim 12). There is nothing in Butnaru et al. that would lead one to conclude that the indicator signals mentioned in the abstract refer to the beginning and end of a test. In fact, the abstract says that the indicator signals correspond to dangerous or cautionary situations. Conducting a test is neither a dangerous nor cautionary situation. Thus, the Examiner's reason for concluding the subject matter of claim 11 is obvious is defective.

As for claim 12, column 2, lines 41 - 44 of Butnaru et al. and the processor 20 described therein have nothing to do with storing written indicia scrolling across a screen containing visual image. The Examiner provides a conclusory statement that the subject matter of claim 12 is

obvious, but does not provide an articulated reason containing a rationale underpinning as to facts which would lead one to a conclusion that the subject matter of claim 12 is obvious.

Claims 50 and 51 are allowable for the same reasons as claims 10 and 11

Claim 39 is directed to transmitting information about dialogue being spoken on a television to a deafblind person. Claim 40 says that the dialogue is transmitted by a keypad contacting the fingertips of the deafblind person and that the keyword is delivered to the deafblind person through a plurality of impacts on a palm of a hand. Claim 41 is directed to transmitting information about motion of the visual images through a plurality of impacts on the palm.

With respect to claim 39, this claim stands or falls with claim 1.

With respect to claim 40, there is nothing in either reference about using a keypad to deliver the dialogue and to deliver the key word through a plurality of impacts on a palm of a hand. Despite the Examiner's contention, there is no disclosure in Lynt et al. that the tactile display is a keypad. Further, there is nothing in either reference about delivering a "key word" to a palm of a hand. Further, the rejection does not contain any articulated reason why one of ordinary skill in the art would combine the references and how that result would render the subject matter of claim 40 obvious. Thus, the Examiner has failed to make out a prima facie case of obviousness.

With regard to claim 41, Lynt et al. in the cited portions does not disclose transmitting information about motion of the visual images and/or delivering the

information through a plurality of impacts on the palm. Butnaru et al. does not cure this defect. Thus, the premise presented by the Examiner for the obviousness rejection is erroneous. Further, the rejection does not contain any articulated reason why one of ordinary skill in the art would combine the references and how that result would render the subject matter of claim 41 obvious. Thus, the Examiner has failed to make out a prima facie case of obviousness.

(6) Patentability of claims 33, 34, 65 and 66

Claims 33, 34, 65, and 66 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent Publication No. 2004/0098256 to Nissen.

Claim 33 is directed to transmitting grammatical tense to at least one finger of at least one hand and claim 34 says that this information is transmitted to the back of a pinky. The Examiner contends on page 13 of the office action that paragraphs 0014, 0022, 0023, 0079, and 0082 of Nissem teaches transmitting information about grammatical tense. A review of Nissem shows that paragraph 0014 refers to the use of button or keys to transmit tactile information; paragraph 0022 describes the pins which form part of the tactile output device; paragraph 0023 says that the thumb is used for vowels and the fingers are used for consonants; paragraph 0079 refers to a glove embodiment of the input device; and paragraph 0082 refers to the ability of the system to be used for direct communication with or between deafblind people. There is absolutely nothing in any of these cited portions, as well as in Lynt et al., of transmitting information about grammatical tense. Thus,

the Examiner's position about the teachings of the Nissem reference is in error. With respect to claim 34, it should not go unnoted that Nissem's system is incapable of transmitting information about grammatical tense to the pinky because the pinky only contains certain consonants which are not identified in the cited portions. Lynt et al. is silent on this subject. Thus, even if combined, the references do not render the claimed subject matter obvious.

Further, the Examiner provides a conclusory statement as to obviousness and does not provide an articulated statement containing a rationale underpinning with facts which would lead one to the conclusion of obviousness. The underlying facts, as pointed out above, are wrong. Thus, the Examiner has not made out a prima facie case of obviousness with respect to claims 33 and 34.

Claims 65 and 66, which are the system versions of claims 33 and 34, are allowable for the same reasons as claims 33 and 34.

CONCLUSION

For the foregoing reasons, the Board is hereby requested to reverse the rejections of record and remand the instant application back to the Primary Examiner for allowance and issue.

APPEAL BRIEF AND EXTENSION OF TIME FEE

A request for a two month extension of time is incorporated by reference herein and attached hereto.

The Director is hereby authorized to charge the Extension of Time Fee of \$245.00 and the Appeal Brief Fee of \$270.00 to Deposit Account No. 02-0184. Should the

Director determine that an additional fee is due, he is hereby authorized to charge said additional fee to said Deposit Account No. 02-0184.

Respectfully submitted,

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APPENDIX A - CLAIMS ON APPEAL

1. A method for communicating visual images to a handicapped person, said method comprising the steps of:

providing at least one device for physically transmitting information to said handicapped person;

providing information about said visual images to said handicapped person using said at least one device; and

said information providing step comprising delivering a physical signal representative of a key word describing a portion of a visual image to a first part of a body of said handicapped person using said at least one device and further comprising transmitting at least one physical input describing a dynamic element associated with said key word to a second part of the body of said handicapped person.

2. A method according to claim 1, wherein said delivering step comprises delivering said key word signal in Morse code form to said handicapped person via a said first body part.

3. A method according to claim 1, wherein said delivering step comprises delivering said key word signal in Braille form to said first body part of said handicapped person.

4. A method according to claim 1, further comprising transmitting said at least one physical input describing a said dynamic element associated with said visual image to a palm of said handicapped person.

5. A method according to claim 4, wherein said transmitting step comprises transmitting a plurality of successive elements describing a motion to said palm of said handicapped person.

6. A method according to claim 5, further comprising transmitting a continuance signal to said palm of said handicapped person to indicate continuance of said motion.

7. A method according to claim 6, wherein said continuance signal transmitting step comprises transmitting said signal in the form of at least one vibration or impact on a body part.

8. A method according to claim 1, further comprising delivering information about a musical background associated with said visual image to said handicapped person.

9. A method according to claim 8, wherein said musical background delivering information comprises transmitting at least one of long and short physical impacts to a body part of said handicapped person.

10. A method according to claim 1, further comprising transmitting information about a start of and an end of a commercial advertisement to said handicapped person.

11. A method according to claim 1, further comprising transmitting information about a start of and an end of a test to said handicapped person.

12. A method according to claim 1, further comprising storing information from a written indicia scrolling across a screen containing said visual images for play at another time.

13. A method according to claim 1, further comprising providing said handicapped person with information about a state of reception of a system on which said visual images are displayed.

14. A method according to claim 1, further comprising transmitting information about said visual images to the back of at least one finger of said handicapped person.

15. A method according to claim 14, wherein said transmitting step comprises transmitting information about the character of a person displayed in said visual images through at least one impact to said back of said at least one finger.

16. A method according to claim 15, further comprising dividing said fingers of a hand of said handicapped person into a first group consisting of a pointer finger and a middle finger and into a second group consisting of a ring finger and a pinky and said transmitting step comprises transmitting information about a bad character to one of said fingers of said first group and transmitting information about a good character to one of said fingers of said second group.

17. A method according to claim 16, further comprising designating one finger of each of said groups for receiving information about a male character and designating one finger of each of said groups for receiving information about a female character.

18. A method according to claim 15, wherein said transmitting step comprises transmitting information about an age of a character and a personality of said character to said back of said at least one finger.

19. A method according to claim 1, further comprising transmitting information about said visual images to a front portion of at least one finger.

20. A method according to claim 19, wherein said information transmitting step comprises transmitting information about a particular group.

21. A method according to claim 20, wherein said transmitting step comprises transmitting information about a profession of a character to said front portion of said at least one finger.

22. A method according to claim 19, wherein said information transmitting step comprises transmitting information about lighting to said front portion of said at least one finger.

23. A method according to claim 19, wherein said information transmitting step comprises transmitting

information about scenery to said front portion of said at least one finger.

24. A method according to claim 19, wherein said information transmitting step comprises transmitting information about a place to said front portion of said at least one finger.

25. A method according to claim 19, wherein said information transmitting step comprises transmitting information about an activity to said front portion of said at least one finger.

26. A method according to claim 1, further comprising transmitting information about a dialogue associated with said visual image being spoken to said handicapped person.

27. A method according to claim 26, wherein said dialogue transmitting step comprises transmitting said dialogue in Braille form to the fingertips of at least one hand of said handicapped person or by impacts describing topics.

28. A method according to claim 1, further comprising using a thumb of said handicapped person to perform control functions.

29. A method according to claim 28, further comprising using said thumb to perform at least one of call for help, call for person, and ask questions.

30. A method according to claim 28, further comprising using said thumb to receive information about at least one of safety alerts, general alerts, and general information.

31. A method according to claim 1, further comprising transmitting information about at least one of female representation and cross relationships to a front portion of a pinky of said handicapped person.

32. A method according to claim 31, further comprising using said pinky to select a particular channel.

33. A method according to claim 1, further comprising transmitting information about grammatical tense to at least one finger of at least one hand.

34. A method according to claim 33, further comprising said transmitting step comprises transmitting grammatical tense information to a back of a pinky of said at least one hand.

35. A method according to claim 1, further comprising transmitting information about an emotional state to at least one finger of at least one hand of said handicapped person.

36. A method according to claim 35, wherein said information about said emotional state is transmitted to a finger of a hand.

39. A method according to claim 1, wherein said visual image is part of a television program containing sound and said handicapped person is a deafblind person and wherein

said method further comprises transmitting information about dialogue being spoken by characters on said television program to said deafblind person.

40. A method according to claim 39, wherein said information about said dialogue is transmitted by a keypad contacting fingertips of said deafblind person and said key word is delivered to said deafblind person through a plurality of impacts on a palm of a hand of said deafblind person.

41. A method according to claim 40, further comprising transmitting information about motion of said visual images to said deafblind person through a plurality of impacts on said palm.

42. A system for communicating visual images to a handicapped person, said system comprising:

at least one device for physically transmitting information about said visual images to said handicapped person; and

said at least one device including means for delivering a physical signal representative of a key word associated with said visual images to a first part of a body of said handicapped person,

wherein said at least one device further comprises means for delivering at least one physical input describing a dynamic element associated with said key word to a palm of said handicapped person.

43. A system according to claim 42, wherein said delivering means comprises means for creating at least one impact on a palm of said handicapped person.

44. A system according to claim 42, wherein said delivering means comprises means for delivering said key word to a body part in Morse code form.

46. A system according to claim 43, wherein said at least one device includes means for transmitting a continuance signal to said palm to indicate continuance of a motion.

47. A system according to claim 46, wherein said transmitting means comprises means for transmitting said continuance signal by imparting at least one of vibrations and impacts to said palm.

48. A system according to claim 42, wherein said at least one device comprises means for delivering information about a musical background associated with said visual images to said handicapped person.

49. A system according to claim 48, wherein said means for transmitting information about said musical background comprises means for transmitting at least one of long and short physical impacts to a body part of said handicapped person.

50. A system according to claim 42, wherein said at least one device includes means for transmitting information

about a start of and an end of a commercial to said handicapped person.

51. A system according to claim 42, wherein said at least one device includes means for transmitting information about a start of an end of an emergency broadcast system test to said handicapped person.

52. A system according to claim 42, wherein said at least one device includes means for transmitting information about a state of reception of a device on which said visual images are being displayed.

53. A system according to claim 42, wherein said at least one device comprises means for transmitting information about said visual images to the back of at least one finger of said handicapped person.

54. A system according to claim 53, wherein said at least one device comprises means for transmitting information about a character of a person displayed in said visual images via at least one impact applied to said back of said at least one finger.

55. A system according to claim 42, wherein said at least one device comprises means for transmitting information about said visual images to a front portion of at least one finger.

56. A system according to claim 53, wherein said at least one device comprises means for transmitting different pieces of information about said visual images to a front

portion of each finger of at least one hand of said handicapped person.

57. A system according to claim 42, further comprising said at least one device including means for transmitting information about a dialogue being spoken associated with said visual images to said handicapped person.

58. A system according to claim 57, wherein said dialogue transmitting means comprises means for transmitting said dialogue in Braille form or by impacts to the fingertips of at least one hand of said handicapped person.

59. A system according to claim 42, further comprising a means for allowing said handicapped person to use a thumb to perform control functions.

60. A system according to claim 59, wherein said allowing means comprises a thumb cradle.

61. A system according to claim 59, wherein said allowing means comprises a thumb sleeve.

62. A system according to claim 42, further comprising means for transmitting information about at least one of a female representation and cross relationships to a front portion of a pinky of said handicapped person.

63. A system according to claim 62, wherein said information transmitting means comprises a pinky cradle.

64. A system according to claim 62, wherein said information transmitting means also comprises means for allowing a handicapped person to select a particular channel using said pinky.

65. A system according to claim 42, further comprising means for transmitting information about grammatical tense to at least one finger of at least one hand.

66. A system according to claim 65, wherein said grammatical tense transmitting means comprises means for transmitting information about said grammatical tense to a back of a pinky of said at least one hand.

67. A system according to claim 42, wherein said at least one device further comprises means for transmitting information about an aggression group, a neutral group, and a pleasant group to at least one finger of at least one hand of said handicapped person.

68. A system according to claim 67, wherein said information about said aggression group is transmitted to a first finger of a hand.

69. A system according to claim 67, wherein said information about said neutral group is transmitted to a middle finger of a hand.

70. A system according to claim 68, wherein said information about said pleasant group is transmitted to a fourth finger of a hand.

71. A method according to claim 1, wherein said transmitting step comprises transmitting said at least one physical input describing said dynamic element to a second part of the body which is different from said first part of the body.

72. A system according to claim 42, wherein said delivering means delivers said physical signal to at least one of fingertips of a hand that does not include said palm and fingers that are part of the hand which has said palm.

APPENDIX B - EVIDENCE

NOT APPLICABLE

APPENDIX C - RELATED PROCEEDINGS

NOT APPLICABLE